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June 2, 2022

By ECF

Hon. Sanket J. Bulsara
United States District Court Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

In Re: *Richardson, et al., v. City of New York, et al.*
21-CV-3609 (LDH) (SJB)

Your Honor:

I am Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York. Defendants submit this response to plaintiffs' letter to the Court dated June 2, 2022, (Dkt. No. 569), claiming defendants cancelled a meet and confer in less than an hour before the meeting was set to take place for no reason.

Plaintiffs have noticed an additional 54 witnesses for deposition in recent months and wish to meet and confer with respect to this overwhelming number of witnesses and to meet with respect to the pre-deposition protocol for the approximately 50 high-ranking and 30(b)(6) depositions. Even though plaintiffs complain that they had been waiting for this meet and confer for some time, they waited until just before the meet and confer to provide their quite detailed "agenda" for the meeting. In fact, the undersigned, in a meeting, did not see plaintiffs' agenda until an hour before the meet and confer. Because defendants' protest team had no opportunity, due to its current obligations, to review and confer internally with respect to this "agenda" in time for the meeting, the meet and confer had to be rescheduled, which the undersigned communicated to plaintiffs' counsel. It is important to note that defendants made it known well in advance of the meet and confer that they were going to address the Bellamy Protocol and did not drop on plaintiffs a short notice surprise agenda.¹

Defendants fully appreciate the need to meet and confer on the status of the multitude of depositions that plaintiffs continue to notice in this case (including in the original consolidated cases) and the need to meet and confer on the application of a pre-deposition protocol for high-ranking and 30(b)(6) depositions. To that end, an alternate date to meet and confer must take place

¹ Plaintiffs further complain that they have not been provided with the court-ordered deposition protocol documents for approximately 100 deponents whose depositions have yet to take place. However, pre-deposition protocol document, by court order, are not provided until 48 hours before each deposition

soon but must also take into account all of the intervenors' availability as they have an interest in the high-ranking and 30(b)(6) depositions.

We thank the Court for its consideration herein.

Respectfully submitted,

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cc: To All Plaintiffs' Counsel *Via* ECF